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Total Number of Pages in This Submission

Application Number	09/964,273
Filing Date	September 26, 2001
First Named Inventor	Sean Brjelsen
Art Unit	1615
Examiner Name	Pili Asabi Hawes
Attorney Docket Number	CPIFT-5776 (3360-0004)

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd.

Signature

Printed name Raymond M. Mehler

Date September 8, 2005

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Patent
Attorney Docket No. CPIFT-5776 (3360-0004)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/964,273
Applicant : Sean Brjelsen et al.
Filed : September 26, 2001
Examiner : Pili Asabi Hawes
Group Art Unit : 1615

Title: Preparation of Submicron Solid Particle
Suspensions by Sonication of Multiphase
Systems

Mail Stop Petition
Commissioner for Patents
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Signature: Kristine Alshen

Date: September 8, 2005

PETITION TO REINSTATE CORRECT FILING DATE

Sir:

This application was filed on September 26, 2001 under Serial No. 09/964,273.

The Filing Receipt was mailed November 7, 2001 and received by applicants. A Notice to File Missing Parts of Non-Provisional Application – Filing Date Granted was mailed November 7, 2001 and duly received by applicants. This included a requirement to remove drawings from the specification and to submit formal drawings in accordance with 37 CFR 1.81. These papers show the filing date of September 26, 2001.

On May 1, 2002, applicants submitted a reply to the Notice mailed November 17, 2001. Included in this Reply was a substitute specification, together with a listing of the amendments made in the substitute specification, along with a marked-up copy of the specification as originally filed.

Applicants note that their Reply mailed May 1, 2002, and stamped as received May 10, 2002, did not include the explicit statement that the substitute specification includes no new matter. See 37 CFR 1.125 (b); however, this reply was nevertheless in full compliance with 37 CFR 1.125 (b) by stating that the replacement specification is identical to the original specification filed September 26, 2001, except for the amendments that are listed in the Reply and that are indicated in the marked-up copy of the specification as it was originally filed and that had been submitted with this Reply mailed May 1, 2002.

To the extent the Office requires an explicit statement in strict accordance with 37 CFR 1.125 (b), applicants hereby state that the substitute specification that had been mailed to the Office on May 1, 2002 includes no new matter.

Applicants had subsequently received a Notice of Incomplete Reply (Non-Provisional) Filing Date Granted, which continued to recite the proper filing date of September 26, 2001. The Notice of Abandonment under 37 CFR 1.53, mailed June 4, 2004, continued to recite the correct filing date of September 26, 2001. Applicants' Petition to Withdraw the Holding of Abandonment mailed June 60, 2004 continued to indicate the correct filing date of September 26, 2001.

However, the Notice of Publication of Application that applicants received on February 28, 2005, recites May 10, 2002 as the "filing or 371 (c) date." Furthermore, the published application of February 17, 2005, No. U.S. 2005/0037083, shows May 10, 2002 as the filing date.

Applicants respectfully petition to have the records of the U.S. PTO reflect the original and correct filing date of September 26, 2001 for this application, rather than the

date on which the substitute specification was received at the Office. In the event that this change in filing date was an editorial error, applicants hereby respectfully request that the error be corrected. To the extent that this represents an intentional change by the U.S. PTO of the filing date of this application from September 26, 2001 to May 10, 2002, applicants respectfully petition for reconsideration and reversal of this change. The substitute specification received on May 10, 2002, contained no new matter, which was clearly evident from the detailed listing and identification of amendments that were made in order to, in effect, remove the drawings from the body of the specification and into formal drawings apart from the specification.

To the extent that a petition fee is required in order to process this request, charging of Deposit Account No. 50-1039 is hereby explicitly authorized.

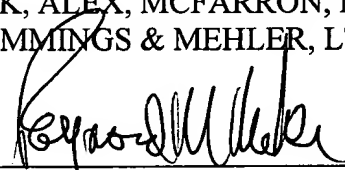
Applicants look forward to an indication that the correct filing date of September 26, 2001 has been reinstated for this application. Applicants also respectfully request republication of the published application in order to properly reflect this September 26, 2001 filing date.

Applicants appreciate the cooperation of the Office in attending to this matter.

Respectfully submitted,

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.

By


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